



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
OFFICE OF THE CLERK
1 COURTHOUSE WAY
BOSTON, MASSACHUSETTS 02210

ROBERT M. FARRELL
CLERK OF COURT

August 7, 2014

Judy Clarke, Esq.
1010 Second Avenue
Suite 1800
San Diego, California 92101

Re: United States v. Dzhokhar Tsarnaev, Crim. No. 13-10200-GAO (D.Mass.)

Dear Ms. Clarke:

This is in response to your July 9, 2014 letter to Brendan Garvin requesting to interview him in connection with the above-referenced case. Your letter also stated that you are interested in interviewing Mr. Garvin "given [his] role as Judge Bowler's courtroom deputy." Insofar as your request pertains to matters involving Mr. Garvin's official duties, it is governed by the Federal Judiciary's disclosure regulations.

The Federal Judiciary's disclosure regulations, "Testimony of Judiciary Personnel and Production of Judiciary Records in Legal Proceedings" (Disclosure Regulations), governs requests for official judiciary information, and they are publicly accessible on uscourts.gov via the following hyperlink: <http://www.uscourts.gov/RulesAndPolicies/SubpoenaRegulations.aspx>. Under these regulations, disclosure requests are referred to the appropriate "determining officer", in this instance myself as Clerk of Court. See Disclosure Regulations, § 840(b)(3). Requests that fail to satisfy these regulations may be denied on substantive or procedural grounds. See *id.*, §§ 830 and 850(a).

Under §810.30, testimony includes any written or oral statement, including interviews, in any form arising out of the performance of official duties. Accordingly, §830(a) requires the request for testimony or production of records to be accompanied by an affidavit listing the testimony or records sought, an explanation of their nature, relevance to the proceedings and the reasons why the records are not readily available from other sources or through other means. Please provide the necessary affidavit.

Sincerely,

A handwritten signature in cursive script that reads "Robert M. Farrell".

Robert M. Farrell
Clerk of Court

cc: Honorable Patti B. Saris
Honorables George A. O'Toole
Honorables Marianne B. Bowler
Miriam Conrad, Federal Public Defender